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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,293	08/01/2003	Sumio Kuroda	1100.68251	5077

7590 03/30/2006

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EXAMINER

MERCEDES, DISMERY E

ART UNIT PAPER NUMBER

2627

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/632,293	Applicant(s) KURODA ET AL.	
	Examiner Dismery E. Mercedes	Art Unit 2627	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 12, 13, 17 and 18.
Claim(s) rejected: 1-11, 14-16 and 19.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.


REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____


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Continuation of 3. As to Claim 5, the added limitation requires further consideration of the art of record.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1-3 & 9, Applicant argues that the combination of Ishida et al. in view of Tsuyoshi et al. does not disclose recording preformat information excluding servo information on the medium by a recording head. The examiner, respectfully disagrees. With regards, to claim 1 & 9, as is well known and appreciated in the art, and as disclosed by Ishida et al. that preformat information signals can be recorded using a servo track writer device with a magnetic head (col.1, lines 49-55). Tsuyoshi et al. discloses preformat information excluding servo information (as depicted in figs. 5a-5f), and as is well known in the art, preformat signals are recorded in advance in the medium during manufacturing process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have implemented the teachings of Tsuyoshi et al. with the teachings as disclosed by Ishida et al. the motivation being to provide ID information and synchronization signal without reducing the data recording area (as taught by Tsuyoshi col.3, lines 55-60). As for Claim 2, Ishida's disclosure of fine pattern corresponding to the information signal serves anticipatory evidence and allows the examiner to interpret Ishida's reference disclosing fine pattern corresponding to the preformat information as claimed. As to Claim 3, Ishida further discloses recording at least the servo information of the preformat information on the magnetic recording medium by magnetic transfer (col.3, line 63-col.4, line 6); recording a transfer clock pattern, which is synchronized with a pattern of the servo information, on the magnetic recording medium (as depicted in FIG.1, col. 4, lines 43-54 & col.9, lines 36-37) and further discloses that is well known in the art that preformat signals can be recorded using servo track writing device using magnetic head, and Tsuyoshi et al. discloses synchronized patterns as preformat information excluding servo information, therefore it would have been obvious to one of ordinary skill in the art at the time of invention to implement the teachings of Tsuyoshi et al. with the teachings as disclosed by Ishida et al., the motivation being to provide synchronization signal without reducing data recording area (col.3, lines 50-60 of Tsuyoshi). Thus, based on the above rationale, the examiner believes Ishida et al. in view of Tsuyoshi et al. discloses the limitations as claimed.



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